

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
~~AUSTIN~~ DIVISION

FILED

OCT 22 2018

Clerk, U.S. District Court
Texas Eastern

CRAIG CUNNINGHAM,

Plaintiff,

vs.

CASE NO. 4:18cv682

NIAGARA RESTITUTION SERVICES, INC.
YAMAL RAMIREZ and JOHN/JANE DOES Q-5,

Defendants.

_____ /

DEFENDANT, YAMAL RAMIRZ,
ANSWER TO THE PLAINTIFF'S COMPLAINT

The Defendant, VINCENT BIANCO ("BIANCO"), in his capacity as a pro se Defendant, hereby files his Answer to the Plaintiff, JOYCE STEINBOMER ("STEINBOMER"), Complaint, and states as follows:

1. Without knowledge.
2. Denied as to address for Defendant, Niagara Restitution Services, Inc. and admitted solely for jurisdictional purposes.
3. Admitted solely for jurisdictional purposes.
4. Denied as to jurisdiction.
5. Denied as to venue.
6. Without knowledge, therefore denied.
7. Denied.
8. Denied.

9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Without knowledge, therefore denied.
19. Denied.
20. Denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Denied.
26. Denied.
27. Denied.

Count One

28. RAMIREZ realleges and incorporates by reference paragraphs 1 through 27 as if herein stated fully.

29. Denied.

Count Two

30. RAMIREZ realleges and incorporates by reference paragraphs 1 through 29 as if herein stated fully.

31. Denied.

Count Three

32. RAMIREZ realleges and incorporates by reference paragraphs 1 through 31 as if herein stated fully.

33. Denied.

Count Four

34. RAMIREZ realleges and incorporates by reference paragraphs 1 through 33 as if herein stated fully.

35. Denied.

36. Denied.

Count Five

37. RAMIREZ realleges and incorporates by reference paragraphs 1 through 36 as if herein stated fully.

38. Denied.

DEFENDANT, RAMIZER, FIRST AFFIRMATIVE DEFENSE

39. Venue is improper as none of the parties resides in Texas and the alleged acts did not take place in Texas.

40. The Plaintiff underneath his signature to the Complaint lists his residence as Nashville, Tennessee.

41. That the Plaintiff in the Summons lists a Texas address

that appears to be nothing more than a UPS Store post office box.

42. That it appears that the Plaintiff is doing nothing more than forum shopping as had frequently represented to the Court that he is a resident of Texas when, in fact, his is a resident of Tennessee.

43. That attached to this Answer is a news article about the Plaintiff where it shows that he is a resident of Tennessee and is nothing more than a serial lawsuit filer.

DEFENDANT, RAMIREZ, SECOND AFFIRMATIVE DEFENSE

44. That the underlying action must be dismissed as the applicable statute of limitations period for bringing forth such an action has expired.

45. That this would explain the Plaintiff venue shopping and bringing forth this action in Texas federal court to obtain the advantage of the Texas Finance Code Section 392 and their increased statute of limitation period.

DEFENDANT, RAMIREZ, THIRD AFFIRMATIVE DEFENSE

46. That the Plaintiff fails to allege a cause of action under which relief can be granted.

DEFENDANT, RAMIREZ, FOURTH AFFIRMATIVE DEFENSE

47. That the Plaintiff suffered no actual damages as he entrapped the Defendants in this action as the Plaintiff is a professional litigant.

DEFENDANT, RAMIREZ, COUNTERCLAIM

AGAINST THE PLAINTIFF, CUNNINGHAM

48. That due to the reckless and/or intentional acts of the Plaintiff in bringing this lawsuit against the Defendant, the Defendant has suffered from severe mental anguish.

49. That the actions of the Plaintiff in bringing forth this extortionary "lawsuit" along with the fraudulent pretenses he utilized to bring forth this action in Texas, the Defendant has suffered serious and actual damages.

50. That the actions of the Plaintiff have caused damages to the Defendant in excess of \$100,000.00

WHEREFORE, the Defendant, RAMIREZ, requests that the Court enter a Judgment in favor of RAMIREZ and against the Plaintiff, CUNNINGHAM, and that such Judgment include an award of damages in the amount of \$100,000.00 along with reasonable fees, taxable costs and such other and further relief as the Court deems appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 19, 2018, a copy of the foregoing Defendant's Answer to the Complaint has been furnished via ~~U.S. Mail~~ ^{Federal Express} to Craig Cunningham at 300 Custer Road, Suite 270-206, Plano, Texas 75075


YAMAL RAMIREZ
Pro Se Defendant